

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.Misc.No.64258-M of 2006

DATE OF DECISION: NOVEMBER 14, 2006

Mohd.Ashraf

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S.Boparai, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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Petitioner Mohd.Ashraf has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 91 dated 26.5.2005 registered under Sections 302/120-B/148/149 IPC at Police Station Salem Tabri, Ludhiana.

I have heard the counsel for the parties and gone through the contents of the FIR.

In this case, the petitioner is in custody since 11.6.2005. The occurrence is said to have taken place on 26.5.2005 at 10.45 A.M. in the market. As per the version given in the FIR, five persons caused injuries to the deceased, son of the complainant. The name of the petitioner does not figure in the FIR. Counsel contends that the petitioner has been involved subsequently on the statement of one Jaswinder Singh. Counsel further contends that the said statement of Jaswinder Singh was recorded after three days of the alleged occurrence. Counsel contends that Jaswinder Singh is a tout witness of the police and in this regard he has referred to Annexures P2

and P3 in which said Jaswinder Singh has been cited as witness in other two cases. Counsel further contends that co-accused Wasim Ansari, against whom there are similar allegations, has been granted regular bail by this Court vide order dated August 24, 2006 passed in Crl.Misc.No.41225-M of 2006. These facts have not been disputed by the State counsel.

Keeping in view these facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner, and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

November 14, 2006
vkg

(SATISH KUMAR MITTAL)
JUDGE